

REMARKS

Claims 1-10 are pending; and of these, claims 1, 4, 9 and 10 have been amended, and claims 2-3 and 5-8 are withdrawn, wherein, also, claim 3 has been amended. Reconsideration of the instant application is respectfully requested in view of this Paper.

The Examiner has rejected claims 1 and 4 under Section 102(e) as being anticipated by Onishi et al. (USP 7,238,175) ("Onishi"). With respect to Applicant's claims, as amended, the Examiner's rejection is respectfully traversed.

As shown hereinabove, Applicant has amended Applicant's claim 1 to recite, with respect to Applicant's second absorbent, pocket and leakage preventing sheet, that, "when viewed in section along a longitudinal axis of the diaper, (the leakage preventing sheet) extends from a terminal end of said leakage preventing sheet positioned substantially at a midpoint of the crotch of the user to the back side of the user and is arranged to contact in said pocket with said second absorbent therealong the entire length of the leakage preventing sheet that is contactable with the second absorbent throughout the entirety of said pocket."

Applicant's claim 3 has been likewise amended with respect to Applicant's additional pocket, additional leakage preventing sheet and abdomen side second absorbent recited therein.

Relative to Applicant's recited first absorbent, leakage preventing sheet, second absorbent and top sheet, the Examiner has respectively asserted Onishi's backsheet 3, absorbent core 4, elastic members 10 and 19, absorbent core 6 and covering sheet 5.

In looking to Figs. 1 and 2 of Onishi, for example, and particularly to Fig. 2 which is a sectional view along the longitudinal axis of Onishi's diaper, absorbent core 6 is wrapped by covering sheet 5 with respect to pocket P1. Elastic member 10 is disposed away from each of the absorbent cores 4 and 6, see Fig. 3, and is usable to draw edge portions of the cores 4 and 6 toward a centerline of Onishi's diaper. Col. 3, lines 44-47. In this way, Onishi's pocket P1 is formed. Col. 3, lines 54-57. Further, elastic member 10 lies between Onishi's top sheet 2 and covering sheet 5, and is oriented widthwise across Onishi's diaper at an end of its core 6, and particularly at the portion 6d thereof. Col. 3, lines 30-43. Onishi's elastic member 19 is similar with respect to its pocket P2.

Nowhere in the above referenced discussion or elsewhere in Onishi is there any teaching or suggestion of Applicant's leakage preventing sheet as recited in Applicant's claims, as amended, when taken in combination with other features Applicant's construction.

In particular, there is no teaching or suggestion of Applicant's leakage preventing sheet as a sheet not allowing liquid permeation. This is demonstrated by the fact that covering sheet 5 is a liquid pervious sheet, and the absence of any discussion of elastic members 10 and 19 as being anything other than elastic.

Moreover, as discussed above, Onishi fails to teach or suggest Applicant's leakage preventing sheet that is a sheet not allowing liquid permeation, positioned as claimed by Applicant with respect to Applicant's recited order and which "when viewed in section along a longitudinal axis of the diaper, (the leakage preventing sheet) extends from a terminal end of said leakage preventing sheet positioned substantially at a midpoint of the crotch of the user to the back side of the user and is arranged to contact in said pocket with said second absorbent therealong the entire length of the leakage preventing sheet that is contactable with the second absorbent throughout the entirety of said pocket."

In this way, Applicant's construction relates Applicant's leakage preventing sheet with respect to Applicant's recited order construction, as a liquid preventing sheet which is substantially and effectively traceable on the second absorbent throughout and across the entirety of a rear side of the second absorbent. As such, Applicant's liquid preventing sheet enables retention of excrement in the pocket so as to be held between the first and second absorbents. Thus, cleanliness and other advantages of Applicant's construction as described in Applicant's construction are achieved.

The above applies equally with respect to Applicant's additional absorbent and abdomen side second absorbent of claim 3, which it is respectfully requested be rejoined in view of its dependency on claim 1, now believed to patentably distinguish over Onishi in view of the above remarks.

Claims 9 and 10 have been amended to, *inter alia*, address the Examiner's objection thereto, in a manner which is believed to obviate further objection; thus, it is respectfully requested that such objection be withdrawn. Applicant's amendment to claim 10 is supported at least at page 27 of Applicant's specification.

Thus, in view of the above, Applicant respectfully submits that Applicant's claims 1, 3, 4, 9 and 10 patentably distinguish over Onishi.

No fee is believed due. If there is any fee due the USPTO is hereby authorized to charge such fee to Deposit Account No. 10-1250.

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In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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